

REMARKS

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) the rejected claim 14 has been canceled, and the remaining claims have been allowed

(b) it is believed that the cancellation of claim 14 puts this application into condition for allowance since the remaining claims have been allowed;

(c) the cancellation of claim 14 was not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and/or

(d) the cancellation of claim 14 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised;

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Claims 1-25 are pending in this application. Claims 1-13 and 15-25 are allowed. Claim 14 is rejected.

REJECTION UNDER 35 U.S.C. §103(A):

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Yamauchi et al. (U.S. Patent No. 5,613,109) in view of De Pommery et al. (U.S. Patent No. 4,450,535) and further in view of Chigira.

Claim 14 has been cancelled, so the rejection is now moot.

Serial No. 08/645,073

Docket No. 1046.1133

CONCLUSION:

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

July 28, 2005

By:

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